

Adult Protective Services

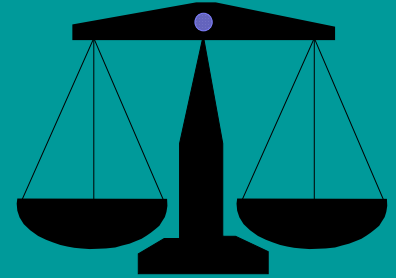


FINANCIAL ABUSE IN THE NEW MILLENNIUM

Presented at Wells Fargo Bank Penthouse

San Francisco

W & I Code Changes of 1999



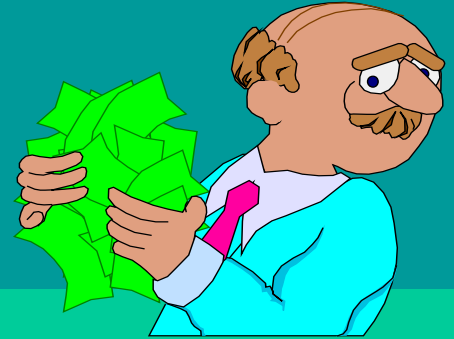
- Effective January 1, 1999 and May 1, 1999
- Expands mandatory reporting to financial abuse
- Adds mandated reporter categories
- Increases penalties for not reporting if abuse causes death or great bodily harm.
- Provides for enhanced Adult Protective Services programs statewide.

Key Definitions



- Elder
 - 65 years of age or older
- Dependent adult
 - Age 18-64 with physical and mental limitations that restrict ability to carry out normal activities
- Mandated reporters
 - Any person who meets the definition of care custodian
 - County Welfare Department Employees

Financial Abuse



- A situation in which a person takes, secretes, or appropriates money, property or assets of an elder or dependent adult with the intent to defraud or
- exerts undue influence on the elder or dependent adult in order to acquire the money, property or assets.

Some Key Concepts in Elder Financial Abuse



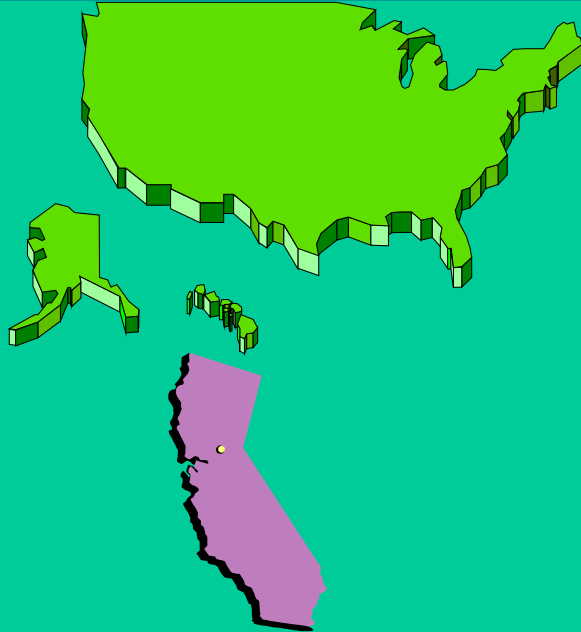
- Right to Self Determination
- Right to Folly
- Competency
- Undue Influence

The Elder Population Explosion

- California has the largest elderly population in the United States
 - 4,854,501
- How Fast Are we Growing?
- 170,000 per year
- Elderly Population will Grow 101% in the next 20 years
 - By the year 2020 there will be 6.6 million elderly in California
 - 809,000 will be age 85 and over (151% increase)



Financial Abuse Prevalence



United States - 30%

California - 23%



San Francisco - 38%

Profile - The Abused

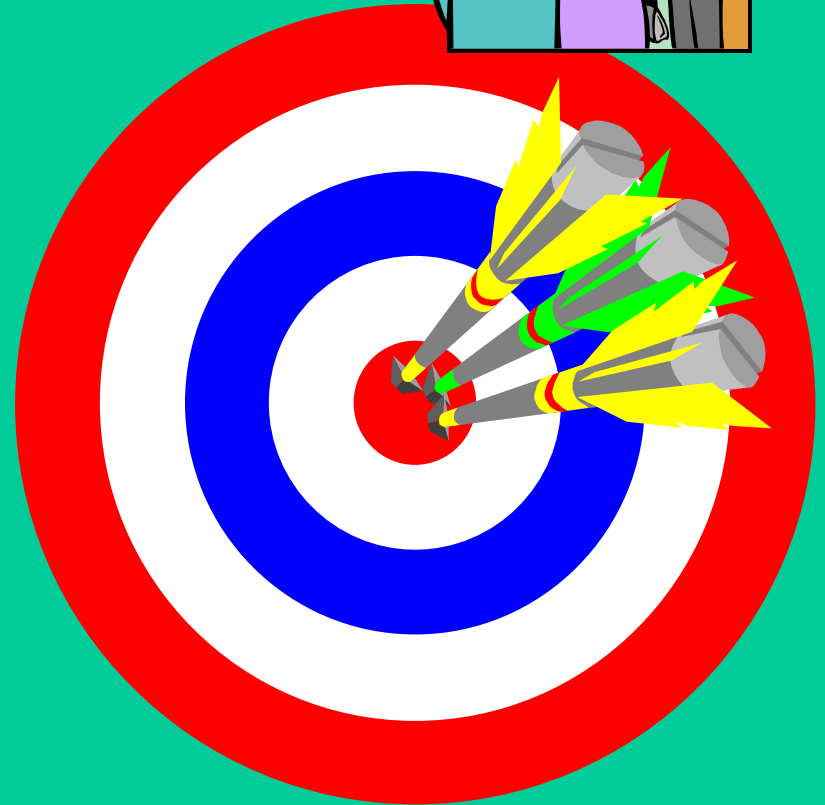


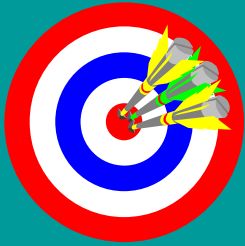
- Majority are women aged 75 and older
- Usually live with the abuser
- Depend on abuser for care
- Perpetrator is often dependent financially and emotionally on the victim
- The victim is often reluctant to tell anyone about the abuse due to shame
- Victim fears consequences of reporting

Why Elderly Persons are Targets



- Typically trusting
- Isolated and lonely
- May remind them of adult child/loved one
- Unsophisticated with money
- Unaware of value of assets, e.g. home





Targets Continued

- Confused - does not know one document from another
- Poor health
- Poor memory
- Embarrassed by their own gullibility
- Rarely report



Signs - Financial Abuse

- Accompanied by a stranger encouraging withdrawal of large sums of money
- Accompanied by family or others who coerce them into making transactions
- Not allowed to speak for themselves



Signs - Financial Abuse (Cont.)



- With acquaintances who appear too interested in their money
- Nervous or afraid of person with them
- Giving implausible explanations of what they are doing with their money
- Confused or concerned about missing funds in their accounts

Signs - Financial Abuse

- Unable to remember financial transactions or signing paperwork
- Fearful of eviction or institutionalization if money is not given to caregiver
- Neglected or receiving insufficient care when they have money



Financial Abuse - Signs

- Isolated from family members or the support of family members
- Often found in combination with other types of abuse and neglect



Financial Abuse and Banking



- Unusual activity in bank accounts
 - Frequent account changes from one bank to another
 - Change in pattern of withdrawals - several in one day or large amounts
 - Large withdrawals or transfers from newly opened joint accounts



Financial Abuse and Banking Cont..

- Signatures on checks not resembling person's signature
- Signed checks or documents when elder or dependent adult cannot write
- Suspicious Signatures on Credit Card applications and loan documents
- Sudden increase in debt
- Fiduciary withdrawing funds with no apparent benefit to elder

Financial Abuse and Banking Cont..

■ Inconsistent Banking Activity

- Large withdrawals from inactive account
- Frequent ATM withdrawals when elder is frail
- Regular rent or utility checks stop
- Single beneficiary trusts are revoked
- Distribution provisions are altered to require payments to third parties



Financial Abuse and Banking Cont..



- Bank statements and canceled checks are no longer being sent to senior
- Implausible reasons for banking activity are given by the senior or person with them



Some Ideas for Response

- Learn the reason for large transactions or withdrawals
- Check the authorization and documentation to act for elder customer
- May have elder speak with security
- Notify APS and make a report
- Talk with law enforcement or security if elder is in danger



Some Tips to Remember

- Time is the enemy of the financial exploiter
- Justify your concern and emphasize the bank's commitment to protecting customers
- Empathize with the customer - validate feelings
- Ask clear, non-threatening factual questions
- Tell elders they are not alone
- Don't say you are concerned simply because they are old
- **DON'T LET ANYONE ELSE SPEAK FOR ELDER!**

SB 2199 - Effective May 1, 1999 - WIC 15600



- 24 hour response system
- Case management
- Coordination of community resources
- Providing emergency services - food, shelter, in home care

APS Response Capabilities



- Concern for immediate health and safety of the client
- Designation of response times

Services Provided



- Crisis Intervention
- Assessment
- Service Plans
- Linkages with other services
- Arranging for monitoring